

October 14, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**DECISION ON APPEAL OF MITIGATED DETERMINATION OF NONSIGNIFICANCE
AND
APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **S90P0082**
(SEPA Appeal No. E97E0244)
Proposed Ordinance No. 1999-0363

ALDARRA

Preliminary Plat Application and
Appeal of Mitigated Determination of Nonsignificance

Location: On the north and south sides of Duthie Hill Road, west of
Redmond-Fall City Road, and east of Trossachs Boulevard

**Applicant/
Appellant:** Aldarra Management Company, *represented by*
Joel Haggard, 1200 Fifth Avenue, #1200, Seattle, WA 98101
Phone: (206) 682-5635 Fax: (206) 623-5263

King County:	Department of Development and Environmental Services, <i>represented by</i> Barbara Heavey – SEPA 900 Oakesdale Avenue SW Renton, WA 98055-1219 Phone: (206) 296-7222 Fax: (206) 296-7051	Lanny Hennoch - Plat 900 Oakesdale Avenue SW Renton, WA 98055-1219 Phone: (206) 296-7168 Fax: (206) 296-7055
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SUMMARY OF RECOMMENDATIONS AND DECISION:

Department's Preliminary Recommendation:	Deny appeals and approve preliminary plat, subject to conditions
Department's Final Recommendation:	Deny appeals, modify certain conditions of the MDNS, and approve preliminary plat, subject to modified conditions
Examiner's Decision:	Remand to DDES for limited scope environmental impact statement

PRELIMINARY MATTERS:

Application submitted:	October 30, 1997
Complete application:	November 26, 1997
Notice of Applicant's appeal received by Examiner:	July 14, 1999
Applicant's statement of appeal received by Examiner:	July 14, 1999

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	August 2, 1999
Hearing Opened:	9:30 AM, August 30, 1999
Hearing Closed:	3:00 PM, September 24, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

Traffic impacts: traffic mitigation payment system ("mps") fee calculation; intersection adequacy; safety;
Wildlife habitat: red-tailed hawk; salmonids;
Surface water quality: water quality monitoring;
MDNS requirements;
School capacity

SUMMARY:

Applicant's appeal of MDNS is granted in part and denied in part, and proposal is remanded for environmental impact statement. Alternatively, if significant adverse impact upon public safety is mitigated by modification to the proposal or voluntary agreement by the Applicant, conditions are established for final plat approval.

EXAMINER'S OPINION:**Introduction**

The Aldarra property is a 650-acre parcel which lies on the north and south sides of Duthie Hill Road. The property is primarily on the southwest side of the Redmond-Fall City Road (SR 202), but relatively small portions extend across SR 202. The property consists of a low lying easterly area along Patterson Creek (near SR 202) and a westerly upland plateau, separated by terraced slopes. It includes a farm which was in operation for about 50 years, and previously included a golf course. (Exhibit 58, page 9.)

A plan for the development of the Aldarra property as a whole, to include urban density in the westerly portion, a golf course in the eastern area, and extensive protection of environmentally sensitive areas, was presented to the King County Council in 1993. As a result of the Council's approval of that plan, the main portion of the Aldarra property (the area lying west of SR 202) was designated as "Urban", and the R-1 zone classification was applied.

Duthie Hill Road Traffic And Pedestrian Safety

The 1993 Aldarra study stated that, "Roads in the vicinity currently have a high level of service, though localized road improvements may be required by King County during the project approval process." (Exhibit 58, page 24.) The application for preliminary plat approval, which is the subject of this proceeding, provides for implementation of the residential development portion of the overall plan for the site. It is this development which will directly impact congestion and operational safety of the affected roads.

The Applicant's 1997 plat proposal, the first version designed to implement the current R-1 zoning, was filed with the King County Department of Development and Environmental Services on August 27, 1997. Subsequent to that filing, boundary line adjustments were made by the owners, ownership transfers occurred, and plat revisions were submitted which now propose plat boundaries that exclude a substantial portion of the Aldarra property's frontage along Duthie Hill Road, much of which had been included in the August 27, 1997 plat proposal.

The most westerly portion of the property, where the residential development is currently proposed, provides for two new access roads entering Duthie Hill Road from the south and one new access road entering Duthie Hill Road from the north. In addition, the other principal access to the northerly portion of the subdivision is via Trossachs Boulevard, which also connects to Duthie Hill Road as its only route to the County arterial road system. All of the proposed residential development will utilize Duthie Hill Road as the only arterial connection to and from the site. Approximately 40% of the vehicular traffic to and from the development will travel along Duthie Hill Road to SR 202, where the plat again fronts on both the north and south sides of Duthie Hill Road, adjacent to proposed open space tracts which abut the roadway. (Duthie Hill Road, where it intersects SR 202, is a north-south roadway section, also known as 292nd Avenue Southeast.)

The mitigated determination of nonsignificance issued by DDES for this proposal states:

- "L. The plat of Aldarra will have a significant impact to pedestrian safety along Duthie Hill Road. The developer is required to improve the plat frontage along Duthie Hill Road to include pedestrian facilities. The Aldarra golf course is located approximately 1800 feet east of the Aldarra plat and the developer of the golf course is reconstructing Duthie Hill Road to improve the horizontal radius. These improvements will also include pedestrian facilities along the golf course frontage. The 1800-foot long portion of Duthie Hill Road between the Aldarra plat and the golf course has very narrow shoulders with limited pedestrian facilities. Further, the introduction of an additional intersection and additional traffic between the plat and SR 202, as well as the golf course creates the need for improved pedestrian facilities." (Exhibit 4, page 4.)

Condition No. 4 of the MDNS, which is appealed by the Applicant, provides:

"4. Pedestrian facilities (KCCP policies T 506, T509, T531 and T534)

The applicant shall improve Duthie Hill Road from the easterly property line of the Aldarra plat to the west property line of the Aldarra golf course to include a minimum 8-foot paved shoulder on the north side of the road. The south side shall maintain the existing shoulder width. As an

alternative to the construction of the widened shoulder, the applicant may propose a separated, paved walkway. The design of the alternative walkway shall be reviewed and approved by DDES and King County Department of Transportation prior to engineering plan approval." (Exhibit 4, page 6.)

The Applicant declines to modify its proposal to meet this condition, and contests its necessity and legality.

There is substantial information in the record which supports the responsible official's determination that Duthie Hill Road, from the westerly area proposed for residential development, to the easterly area being developed as a golf course near SR 202, is unsafe for pedestrians, for non-motorized vehicles (bicycles), and for automobiles and their occupants in the event of breakdown. The road section in issue is a long curvilinear downgrade, with limited sight distance at the curves and virtually no shoulders. Approximately 1,100 average daily vehicle trips will be added to this unsafe roadway section by the proposed development.

The impact upon the public safety and upon the public health and welfare is probable, adverse and significant. The impact is directly attributable to the development of additional housing units. The responsible official's determination that roadway improvements, or an alternative pedestrian/non-motorized vehicle facility, is necessary to avoid or mitigate the probable significant adverse impact is consistent with the purposes of the State Environmental Policy Act. The authority to impose the conditions in issue pursuant to SEPA is contained in the cited King County Comprehensive Plan Policies cited by the responsible official and in the King County Road Standards. Pedestrian and traffic safety improvements consistent with the proposed development also are required by state law and the King County Code, in order for King County to make the findings which are a prerequisite to preliminary plat approval.

The Applicant introduced evidence which indicates the difficulty and expense associated with shoulder improvements on Duthie Hill Road. Other alternatives for avoiding or mitigating the impact on public safety which have been suggested have not been analyzed.

The determination by the responsible official that the proposed development, absent the improvements specified in Section 4 of the MDNS, will have probable significant adverse impact upon the environment, is correct, and the appeal of that determination is denied. Therefore, the application for preliminary plat approval must be remanded to the Department of Development and Environmental Services for the preparation of an environmental impact statement which adequately analyzes the impacts of the proposed development on Duthie Hill Road, from the west border of the Aldarra property to SR 202, and identifies and analyzes methods to avoid or mitigate those impacts.

However, because a modification of the proposal or a voluntary agreement by the Applicant to mitigate this impact might be proposed, the Hearing Examiner is willing to allow a re-opening of the record, if requested by DDES, to consider such modification or agreement.

In the interest of economy, the other issues considered at the hearing are addressed and decided below. In the absence of additional evidence which might be presented following completion of the EIS, the Examiner would issue a decision on the application for preliminary plat approval as set forth below if the Duthie Hill Road safety issue can be satisfactorily resolved.

MPS Fee Calculation

The Applicant has established the fact that the fee stated by DDES as required by the King County Road Mitigation Payment System ("MPS") failed to recognize that the proposed plat lies within two MPS zones. King County DDES concurs that this error occurred, and the MPS fee will be correctly recomputed based upon the number of lots created in the final plat which are within each zone.

SPAR Cost Contributions

The Applicant has agreed to provide a fair share contribution to the costs of the proposed South Plateau Access Roads ("SPAR"), which will carry a portion of the traffic from the subject development. The MDNS and proposed condition of final plat approval assess a total of \$1,600 per dwelling unit for this subdivision. This amount is approximately 300% greater than that assessed by DDES on other recent projects which will send the same proportion of their traffic to the SPAR corridors.

The Applicant has offered to pay a total fee of \$785 per dwelling unit as a contribution to the SPAR roads, subject to the proviso that if these projects are included in a future MPS fee calculation, and the Applicant makes that payment, a separate contribution for the SPAR projects would no longer be required. (King County agrees that the proviso is appropriate.) Payments of \$518 per dwelling unit and \$625 per dwelling unit were required of the plats of Beaver Lake Estates, Division 2, and Trossachs, Divisions 8 & 9, respectively. These two plats were acted upon by the King County Hearing Examiner within the last several months, and will have virtually the same proportionate impact upon the SPAR corridors as will the proposed plat of Aldarra.

King County's proposed assessment of SPAR fees is based upon the traffic distribution utilized in the calculation of MPS fees, the model for which considers all traffic generated within and travelling to and from the MPS zone. The Applicant's proposed contribution is based upon evidence of the actual number of trips which will be generated by the Aldarra development and will use the SPAR improvements. The Applicant's method is consistent with the requirement that conditions imposed upon a development be proportionate to the impact of the development. King County should accept the voluntary agreement offered by the Applicant in Exhibit No. 50, modified to \$785, or alternatively calculate the Applicant's fair share based upon the projected impact of trips to and from Aldarra. If King County does not accept that agreement, or the parties do not agree on a re-calculation consistent with this decision, the amount of the fair share contribution by the Applicant to the SPAR improvements should be separately adjudicated by the Hearing Examiner, without delaying approval of the preliminary plat. In all events, if a revised schedule of MPS fees is adopted by King County prior to MPS payment by the Applicant or its successors, and the revised fee is in fact paid, there should be no separate assessment for the Applicant's proportionate share of the cost of the SPAR improvements.

Red-Tailed Hawk Protection

During the review of this application, use of the subject property by the red-tailed hawk was established. A nest, which is currently inactive, previously was observed on the golf course site. That nest was

deemed by King County to be adequately protected by virtue of the absence of proposed development in the vicinity. Additional site inspections were requested by DDES, and were completed by the Applicant, during the review process. A field reconnaissance conducted by the Applicant's wildlife biologist on July 31, 1998, concentrated on the southern area of the plat, as requested by DDES. The biologist's report, dated August 11, 1998, was received by DDES on August 21, 1998.

On November 5, 1998, DDES wrote to the Applicant's representative, indicating that a determination of significance for the proposal was likely, unless the proposal incorporated several mitigation measures itemized in the DDES letter. No mention was made of the need for additional information or analysis concerning red-tailed hawk use of the property.

In its preliminary report to the Hearing Examiner for the August 30, 1999 public hearing, DDES recommends a condition that another reconnaissance/field survey of the area to be developed in the south parcel, as well as all lands within 650 feet of this area, be completed to ascertain whether there is a red-tailed hawk nest within that area. The condition proposed by DDES would require that this reconnaissance occur during the months of March through May, which is the red-tailed hawk nesting season. If a nest were found, its protection could require substantial modification of the plat design, the extent of which is the subject of disagreement. However, since both parties agree that the precise extent of buffers appropriate to protect a nest should be determined in light of the specific conditions of topography, vegetation and likely activity in the vicinity, it is premature to address the buffers required in the absence of knowing whether and where a red-tailed hawk nest in fact exists upon or within 625 feet of the proposed development.

KCC Chapter 20.20 provides procedures for land use permit applications, including applications for preliminary plat approval. Purposes of Chapter 20.20 include, among other things, "minimization of delay and expense", and "development approvals that implement the policies of the Comprehensive Plan." All parties agree that a policy of the Comprehensive Plan requires protection of the red-tailed hawk. The Applicant's objection, which is well taken, is that this concern has not been long since resolved.

To the extent it is possible to provide protection for the red-tailed hawk, consistent with the duty to process the application in a timely manner, that should be done. However, in light of the Applicant's prompt response to all requests previously made by DDES for additional wildlife habitat information, specifically including a re-survey for red-tailed hawks' nests, the Applicant should not be additionally burdened in the absence of any substantial evidence that a red-tailed hawk nest exists, or should have been found during the course of prior site surveys by the Applicant's biologist. Although the issue has not been conclusively resolved, the preponderance of the evidence is that no red-tailed hawk nest exists upon or within viewing distance of the southerly portion of the subject property. However, if, for other reasons, preliminary plat approval has not occurred prior to the next nesting season, it would not be an undue burden to require another site inspection of the target area by a qualified biologist during the nesting season to obtain additional information concerning the existence or nonexistence of a red-tailed hawk nest upon or within 625 feet of the south parcel of the property to be developed.

Surface Water Quality Monitoring

The Applicant and DDES are in agreement that raising the temperature, or lowering the dissolved oxygen content of Patterson Creek, would be significant adverse impacts if they were to occur. The Applicant

and DDES are also in agreement concerning the facilities initially to be constructed to mitigate adverse impacts from the proposal on water quality, including impact on water temperature and dissolved oxygen within Patterson Creek. The parties disagree on the methods and locations for monitoring dissolved oxygen, and also disagree on the issue whether the water quality improvements are to be stated as conditions of the mitigated determination of nonsignificance and conditions of final approval of the proposed plat, rather than conditions of the grading permit for the golf course, within which the detention facility and water quality facilities are located.

The monitoring proposed by the Applicant appears to the Examiner to be more directly related to the objectives of avoiding temperature increases or reducing dissolved oxygen in Patterson Creek itself. The monitoring proposed by DDES would measure dissolved oxygen at points along the route of surface water to Patterson Creek, but not at the point of entry of surface water into the creek, where the impact would be most significant. Based upon the evidence, the Examiner has a high degree of confidence that the monitoring system proposed by the Applicant will provide a reasonable and realistic assessment of the impact, if any, on the dissolved oxygen content of Patterson Creek. In the event monitoring discloses that surface water with low dissolved oxygen is entering Patterson Creek, corrective action should include additional monitoring at the locations specified by DDES to help ascertain the locations and methods which could best mitigate the impact. However, in the absence of impact to Patterson Creek, monitoring at these additional upstream locations is unnecessary.

The parties disagree whether the required monitoring should measure dissolved oxygen content as a percentage or as milligrams per liter. Although the oxygen capacity of water is temperature dependent, and monitoring for the percentage of oxygen (as proposed by the Applicant) would include temperature measurements, no compelling evidence was offered as to why one criteria should be preferred to the other. The Examiner will defer to DDES to make that determination in administering the conditions of final plat approval.

With respect to the second issue, the Applicant agrees that, if the required facilities are not developed pursuant to the golf course grading permit, or otherwise constructed by the developer of the golf course, then in that event, the required facilities will be constructed by the developer of the plat. Consequently, it is appropriate that these requirements be conditions of final plat approval.

Necessity For Including Proposal Modifications In An MDNS

The threshold determination process required by the State Environmental Policy Act is governed by WAC 197-11-300 through 197-11-390. In making a threshold determination, the responsible official is required to consider mitigation measures which an agency or the applicant will implement as part of the proposal, including any mitigation measures required by development regulations, comprehensive plans, or other existing environmental rules or laws. WAC 197-11-330(1)(c). (Adopted by KCC 20.44.040.A)

The mitigated DNS is authorized by WAC 197-11-350. The purpose of that section is to allow clarifications or changes to a proposal prior to the making of the threshold determination by the responsible official. In the present case, the responsible official advised the Applicant that King County intended to issue a determination of significance, unless the project was changed or clarified to mitigate certain impacts. In response, the Applicant proposed a number of project modifications which were specifically incorporated into the proposal.

The lead agency is required to make its threshold determination based upon the changed or clarified proposal. If the lead agency specifies mitigation measures that would allow it to issue a DNS, and the proposal is clarified, changed or conditioned to include those measures, "The lead agency shall issue a DNS." WAC 197-11-350(3).

Agencies may specify procedures for enforcement of mitigation measures in their agency SEPA procedures. WAC 197-11-350. King County's SEPA procedures are contained in KCC Chapter 20.44 ("County Environmental Procedures"). KCC 20.44.040 provides that the mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

"If the Department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action." KCC 20.44.040.B.1.

Neither party has cited to the Examiner any authority which specifically addresses the Applicant's appeal requesting deletion of the proposal modifications and clarifications from the recital of mitigating conditions in the MDNS. However, the language of the Washington Administrative Code and King County Code are reasonably clear. The process contemplated by the code, and followed in fact, affords the Applicant an opportunity to modify or clarify the proposal to eliminate significant adverse impacts upon the environment; and considers those modifications and clarifications in deciding whether to issue a determination of significance or determination of nonsignificance. The Applicant's modifications and clarifications are deemed by the King County Code to be conditions of any decision or recommendation of approval of the proposal. If the proposed mitigation measures are withdrawn or substantially changed, the responsible official is required to review the threshold determination and, if necessary, withdraw the mitigated DNS and issue a determination of significance.

Clear documentation of the modifications and clarifications is required. WAC 197-11-350(4). In order to assure a clear record, a listing of modifications and clarifications in the threshold determination is appropriate and desirable; the agency responsible for reviewing implementation of the project should be afforded reasonable latitude in determining how to best assure that modifications to the original proposal, particularly those which are necessary to protect the environment, are not overlooked. However, as modifications and clarifications made by the Applicant, they are not technically conditions *imposed* by DDES. The responsible official is required to issue a DNS if the proposal is clarified or changed to avoid significant adverse impacts. Those modifications or clarifications of the proposal made by the Applicant may be stated within the threshold determination, or may be incorporated by reference, and such documentation as DDES reasonably believes to be necessary for administrative efficiency may be required of the Applicant, but the Applicant's modifications are not "conditions" of the MDNS.

School Capacity

Concern was expressed by an area resident that the Snoqualmie Valley School District lacks capacity to serve students from the proposed development. King County DDES reviewed the School District's Comprehensive Plan, as approved by the King County Council, and concurred with the District that it does have capacity to house the projected students, consistent with the District's standards, provided that the mitigation fee authorized by the Council is paid to the District by the Applicant and by other new

development proposals within the District. Payment of that fee will be a condition of preliminary plat approval.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Developer:	William Rademaker, Jr., Aldarra Management Co. 1324 – 4 th Avenue, Suite 1940, Seattle, WA 98101 Phone: 206-624-4494
Engineer:	Hugh G. Goldsmith and Associates, Inc. P. O. Box 3565 Bellevue, WA 98009 Phone: 425-462-1080
STR:	12-24-6 5-24-7 6-24-7 7-24-7 8-24-7
Location:	Lying west of Redmond-Fall City Rd. (SR 202), on the north and south sides of Duthie Hill Rd., and east of the Trossachs development
Zoning:	R-1-P
Acreage:	286 acres
Number of Lots:	272 lots
Density:	One dwelling unit per 1.05 acres
Lot Size:	Ranges from approx. 5,000 to 24,600 sq. ft.
Proposed Use:	Detached single family residences
Sewage Disposal:	Sammamish Plateau Water and Sewer District
Water Supply:	Sammamish Plateau Water and Sewer District
Fire District:	No. 27
School District:	Snoqualmie Valley School District No. 410
Complete Application Date:	October 13, 1997
Vesting Date:	September 14, 1998

2. Except as modified below, the facts set forth in the King County Land Use Service Division's preliminary report to the King County Hearing Examiner for the August 30, 1999, public hearing, are found to be correct and are incorporated herein by this reference. The preliminary report to the Hearing Examiner is Exhibit No. 2 in the hearing record.

All facts set forth in the preceding Examiner's Opinion are incorporated in these Findings as if fully set forth.

3. Three appeals of the June 23, 1999, threshold determination ("MDNS") were filed. Appellants were the City of Issaquah, Plateau Preservationists, and the Applicant. Prior to the opening of

the public hearing, the appeals by the City of Issaquah and Plateau Preservationists were settled and withdrawn. The settlements upon which withdrawal of those appeals were based call for additional conditions to final plat approval, requiring payments and certain plat modifications to mitigate the environmental impacts of the proposal. Those additional conditions have been reviewed by the Hearing Examiner and are in the public interest, and are consistent with the King County Comprehensive Plan and the King County Zoning Code. A revised plat map, received by DDES on August 27, 1999, (Exhibit No. 29) modifies the design of the south parcel (also known as Sector 1) in accordance with the settlement with Plateau Preservationists. Those modifications are incorporated into the Applicant's current proposal.

4. The subject property is located within two districts established pursuant to the King County Traffic Impact Mitigation Fee System. These are MPS zones 406 and 409, for which the current fees differ. The parties have agreed that the determination of the required MPS fee will be based upon the number of lots within the final plat located within each MPS zone, and that the fee applicable to each zone shall be paid.
5. King County has determined that Duthie Hill Road, which separates the north and south parcels of the proposed development, is constructed within an easement, and that the north and south parcels of this proposed plat constitute a single lot (or two or more contiguous lots) for the purpose of determining consistency of the proposal with the King County Zoning Code. Consequently, the total number of lots proposed within the two parcels, and the total area of the two parcels, shall each be considered as one for purposes of determining consistency with the minimum and maximum density requirements of the Code.
6. Inclusion of the subject property within the designated Urban area of King County pursuant to the Growth Management Act, and classification of this property as "R-1", an urban density, was predicated upon planning for the use of the Aldarra property, and its subsequent development, as an integrated whole. Construction of improvements, to be specifically identified during the course of development review, to standards sufficient to serve the total proposed development, was assumed. (Exhibit No. 58, pp i, 8, and 24.) Actions by the property owners, subsequent to the urban area designation, comprehensive plan amendment, and zone reclassification by the King County Council, are inconsistent with the owner's prior representations and King County's intent to provide for integrated development of the property as a whole. Piecemeal review could avoid constructing the improvements to Duthie Hill Road within the Aldarra property which are necessary to provide for the public safety in an area where Urban residential development is being established by this Applicant and the developers of other nearby properties.

The record contains substantial evidence that Duthie Hill Road within the Aldarra property, from the existing Trossachs Boulevard to the Aldarra golf course development, is unsafe. The roadway does not meet Urban or Rural standards for a principal arterial. The King County Road Engineer denied the Applicant's request for a variance from the road standards to eliminate construction of road shoulders, but allowed construction of minimum four-foot paved shoulders on each side of the roadway within the area in issue, based upon the following reasoning:

"...the portions of Duthie Hill Road along the permanent open space also must be upgraded with shoulders and paved for pedestrian and bicycle use. There may not be much non-motorized use along the road at this time, but it will

increase as the population increases. The Canyon Creek ravine is a sensitive area that hampers roadway widening. The shoulder widening in this area should be reduced to lessen the impacts. The roadway sections through the permanent open space portion of the plat shall have two 11-foot wide driving lanes and minimum 4-foot wide shoulders on each side." (Exhibit No. 17.)

The King County Traffic Engineer assigned to the review of this case, and the King County DDES review engineer, both of whom had viewed the site, testified that the existing condition, particularly lack of shoulders in an area where the curving roadway reduces visibility, is a safety hazard. Photos introduced into evidence clearly show the lack of any refuge area and the limited visibility. Evidence that pedestrians and bicyclists do not utilize the road in its current condition is further evidence that a hazardous condition currently exists. The Applicant offered no testimony that the existing condition was safe. The focus of the Applicant's evidence and argument is that the existing roadway is not currently used by pedestrians or bicyclists, and that the existing condition would be difficult and expensive to remedy. Alternative means to mitigate the impact upon the public safety from this proposed development were not considered beyond the evidence presented by the Applicant that recent boundary adjustments and changes in property ownership have made additional right-of-way dedication, or pedestrian pathway alignments within other portions of the Aldarra property, unavailable.

The preponderance of the evidence clearly supports the determination by the responsible official that the proposed development, in the absence of safety improvements to Duthie Hill Road between the area proposed for subdivision and the area being improved in connection with the Aldarra Golf Course, would be a probable significant adverse impact. This impact is directly attributable to the residential development of the subject property and other nearby properties at an urban density. Analysis of that impact, identification of methods to mitigate the impact, and analysis of the reasonableness of any available mitigating measures, require the preparation of an environmental impact statement pursuant to RCW 43.21.C.030.

7. The south plateau access road projects (known as the SPAR roads), and the Sunset interchange on Interstate 90, will divert project traffic from certain arterial intersections which would otherwise function at an unacceptable level of service. The King County Road Adequacy Standards require that an Applicant make a pro rata contribution to the costs of improvements necessary to provide an acceptable level of service at intersections significantly adversely affected by a proposed development. The Applicant has agreed that a "fair share" contribution to the SPAR road projects will be made by the Applicant as part of the proposal. However, computation of the amount of the "fair share" contribution is disputed between the Applicant and King County DDES.

DDES computes the amount to be contributed by this Applicant to the SPAR projects based upon the distribution of peak trips from MPS zone number 409. That zone sends the majority of its trips south through the Issaquah-Fall City road corridor and the I-90/Front Street intersection, which are adversely affected intersections from which traffic will be diverted by the SPAR roads and Sunset interchange. However, the actual traffic from the Aldarra development will be significantly less than the proportion of 409 zone traffic which travels in that direction. The provisions of the King County Code for determining adverse impacts upon arterial intersections, and the mitigation of those impacts, are different from the method for assessing MPS fees.

Specific impacts upon arterial intersections are required to be determined, and the proportionate share of alleviating those impacts, based upon projected trips from the development itself, are called for.

The Applicant has offered to pay \$785 per lot as the amount of the “fair share” contribution that this development would make to the SPAR projects. (A separate contribution is being made by the Applicant directly to the Department of Transportation, which includes a contribution to the I-90/Sunset interchange improvement being made by the State.) If the \$785 offered by the Applicant is unacceptable to King County, then DDES, in consultation with the King County Department of Transportation, should compute the number of vehicle trips to and from the proposed development which will utilize the SPAR roads, as a proportion of total vehicle trips using the roads during the horizon year, and apply that proportion to the total costs for the SPAR improvements.

The SPAR road projects are being constructed in part by King County, using capital improvement project funds, in part by other developers, and in part by the City of Issaquah. KCC 14.80.010 requires that owners of new developments pay their proportionate share of the costs of required intersection improvements. There is no provision for reduction of that share based upon contributions to those costs by other jurisdictions or developers. (However, State law provides for a refund of the fee under certain circumstances if it is not, in fact, used to construct the improvements for which it was paid.)

In the event the MPS fee schedule is recalculated prior to final plat approval, and the recalculation includes the SPAR projects, the Applicant may elect to pay the revised MPS fee, in which event a separate contribution to the cost of the SPAR roads will not be required.

8. The preponderance of the evidence is that there is not an active red-tailed hawk nest upon the subject property or within viewing distance of the south parcel. However, the evidence on this subject is not conclusive, primarily because the site surveys which were conducted on behalf of the Applicant by qualified biologists were not undertaken at the time of year most likely to enable the surveyors to discover a nest.

During the course of the project review, the Applicant responded promptly and fully to DDES' requests for site surveys to determine impact upon wildlife, including a specific request for a reconnaissance survey for red-tailed hawk nest sites. On August 11, 1998, Raedeke and Associates, Inc. issued an addendum wildlife report in response to DDES' request, referring to reconnaissances undertaken in 1997 and on July 31, 1998, specifically looking for red-tailed hawk nest sites. No nest trees were found. This report was presented to DDES on August 21, 1998. The Applicant was not informed by DDES of any deficiency in the addendum report, nor of a need to conduct an additional site survey during the nesting season, until just prior to opening of the plat hearing. This late request is inconsistent with King County's duty to process applications for preliminary plat approval and to request and review special studies within reasonable time frames.

In the absence of substantial evidence that a red-tailed hawk nest exists on or near the site, there is not a probability of significant adverse impacts from the proposed development on

wildlife habitat. A reasonable time within which an additional special study (i.e., another search for nest sites) could have been properly requested expired with the passage of the 1999 nesting season.

9. The introduction of surface water runoff into Patterson Creek, particularly during low-flow months, would have significant adverse impact upon the habitat value of Patterson Creek for salmonids if the water introduced were of degraded quality, increased the water temperature of Patterson Creek, or reduced the Creek's level of dissolved oxygen. Any or all of these impacts would reduce the value of Patterson Creek for spawning and fish habitat. In its current condition, Patterson Creek provides valuable salmonid habitat. The Applicant and DDES have agreed upon the water quality facilities which are necessary to protect Patterson Creek. However, they have not agreed on the method for monitoring that water quality to assure that an impact does not occur.

For the purpose of assessing the impact to Patterson Creek, the most critical location for monitoring dissolved oxygen and water temperature is at the outfall to the Creek. At that point, the surface water discharge from the development will have traveled from the detention facility/irrigation pond, through a water quality swale, to a wetland from which the discharge to Patterson Creek will occur. Although water temperature may be higher, and dissolved oxygen content lower, than desirable at the detention pond and in the conveyance swale, the critical measurement is at the wetland discharge to Patterson Creek. Meeting standards for temperature and dissolved oxygen at other locations is of less importance. The Applicant's proposal for monitoring, as set forth in Exhibit No. 50, page 17, is a complete and scientifically valid proposal. Its implementation will avoid probable significant adverse impact to Patterson Creek from a reduction of dissolved oxygen during the summer months.

10. If the Applicant provides clear and succinct documentation of modifications to its proposal, included within a single document that can be recited within or referred to in a DNS or MDNS, those modification will be reasonably capable of enforcement by DDES in the review of final engineering plans and in conducting field inspections of the implementation of this proposal, without regard to whether the modifications are conditions of an MDNS. Only in the event of future approval by the responsible official of a change or deletion from the proposal can such change or deletion occur. The proposal modifications will have force and effect similar to conditions, unless the responsible official, following review of a proposal to modify or eliminate a portion thereof, determines that the modification or elimination would not result in a significant adverse impact upon the environment. If the responsible official does not agree, the DNS or MDNS can be revoked, and an Environmental Impact Statement would be required in order for the proposal to proceed. Although this does, in fact, provide less assurance that a proposal modification will be implemented than would a condition of an MDNS, the process is authorized by provisions of State law and the King County Code, and may be availed of by the Applicant. This requirement for approval by the responsible official is sufficient protection against significant adverse impact to the environment under applicable law.

CONCLUSIONS:

1. All conclusions set forth in the preceding Examiner's Opinion and Findings are incorporated in

these Conclusions as if fully set forth.

2. The proposed subdivision, as revised and received July 28, 1999, and as further modified by correspondence from the Applicant and the revised plat map received August 27, 1999, would have probable significant adverse impact upon the public safety by creating 272 dwelling units within the urban area, adjacent to and utilizing Duthie Hill Road, without providing adequate shoulders or an alternative pedestrian/bicycle facility, from the proposed points of access onto Duthie Hill Road to the roadway area which is currently being improved to King County Road Standards for a rural principal arterial fronting the Aldarra Golf Course to the east. The proposal should be remanded to DDES for the preparation of an Environmental Impact Statement which addresses this impact and identifies the available reasonable methods, if any, by which the impact can be mitigated.
3. If the project proponent and DDES, in consultation with the King County Department of Transportation, agree upon a modification to the proposal or a voluntary agreement which will avoid or adequately mitigate the impact identified in paragraph 2, above, such modification to the proposal or voluntary agreement should be presented to the Hearing Examiner for review in lieu of the preparation of an Environmental Impact Statement.
4. If the probable significant adverse impact identified in paragraph 2, above, is adequately mitigated, the proposed subdivision, as revised and received July 28, 1999, should be approved subject to the conditions set forth below.

DECISION ON APPEALS OF

MITIGATED DETERMINATION OF ENVIRONMENTAL NONSIGNIFICANCE:

1. The appeals by the City of Issaquah and Plateau Preservationists, having been withdrawn by the Appellants, are hereby DISMISSED.
2. The appeal by the Applicant is granted in part and denied in part. The application is remanded to the Department of Development and Environmental Services for the preparation of an Environmental Impact Statement, limited in scope to the matters which are the subject of Conclusion No. 2.
3. If the proposal is modified by the Applicant, or a voluntary agreement is proposed, consistent with Conclusion No. 3, and such modification and/or agreement is approved by the Hearing Examiner as providing reasonable and adequate mitigation, the proposed subdivision should be approved subject to conditions for final plat approval. Based upon the current record, the conditions set forth below appear to be necessary and appropriate pursuant to applicable laws and ordinances of the State of Washington and King County.

CONDITIONS:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final

plat a dedication which includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density requirements of the R-1 zone classification. All parcels within the preliminary plat boundary (both north and south of Duthie Hill Road) shall be considered as contiguous parcels for the purposes of density calculations. Documentation shall be submitted from a licensed land surveyor and other appropriate professionals to substantiate the number of lots shown on the final plat. The site area used to compute the permitted number of lots shall reflect a reduction for the submerged land contained in both Patterson and Canyon Creeks.

All lots shall meet the minimum dimensional requirements of the R-1 zone classification and shall be generally as shown on the face of the July 28, 1999 revised plat map (Exhibit No. 6), as modified by the August 27, 1999 revised plat map (Exhibit No. 29) with respect to the south parcel. Private covenants establishing a landscape zone, additional setback requirements, fencing and similar buffer requirements may be established along the west boundary of the south parcel, subject to DDES approval based upon the adequacy of building sites on the remaining area of the affected lots. Minor revisions to the plat are permitted which do not result in substantial changes, as determined by the Department of Development and Environmental Services.

Regarding the requirements of KCC 21A.12.030B17, documentation shall be submitted to show that at least 50% of the site is within an open space tract.

4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.
6. The Applicant must obtain the approval of the King County Fire Protection Engineer, to demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 SWDM and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:
"All building downspouts, footing drains, and drains from all impervious surfaces

such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots to be developed with onsite infiltration trenches, the trenches shall be constructed at the time of the building permit review if not previously constructed, and shall comply with the plans on file.”

- d. The engineering plans shall comply with the conditions of Drainage Variances L98V0100, L98V0008 and L97V0136. The off-site detention lake on the Aldarra golf course shall be privately maintained, unless otherwise approved by DDES.
- e. Due to downstream flooding problems, the stormwater facilities shall comply with the KCRTS Level 3 detention standards for all ponds which will serve the plat (both on-site and off-site).
- f. The Applicant shall demonstrate compliance with Section 3.3.7 of the SWDM–Onsite Closed Depressions, with respect to low areas in pasture that periodically hold water during the wet season. If ponding extends beyond the preliminary plat and onto private properties, the Applicant must also demonstrate compliance with Section 3.3.6 covering Off-site Closed Depressions.
- g. Sufficient freeboard shall be provided along the banks of the existing stream in the southern portion of the subdivision (Tracts AC and Y) to pass a peak flow of 575 cfs, given a failure mode for the upstream Lindsey dam. Sufficient fill shall be placed above the existing channel banks so that all lots that could be potentially affected are located above the dam break elevation.
- h. A geotechnical assessment on the pond draining to Canyon Creek (Tract AD) shall be provided with the engineering plan submittal, as per Section 5.3.1.1 of the 1998 SWDM.
- i. KCC 16.82.150D applies to the subject property. Therefore, construction work involving soil disturbance, grading, and filling of the site, including individual residential building pad preparation, shall be limited to April 1 through September 30, unless King County DDES specifically approves an extension consistent with the provisions of KCC 16.82.150D. DDES authority to allow development activity beyond these dates shall not apply to “erosion hazard areas” as defined by KCC 21A.06.415. (See Condition 19k below.) A note stating these requirements shall be clearly shown on the final plat and engineering plans.

It should be noted that both KCC 16.82.150D and KCC 21A.24.220 contain erosion hazard restrictions which apply to the site. These sections of the Code establish seasonal windows within which clearing and grading work is permitted. On those portions of the site where these restrictions overlap, the more restrictive requirements shall apply.

- j. A temporary erosion sedimentation control (TESC) supervisor shall be designated by the Applicant, per Section D.5.4 of Appendix D of the 1998 SWDM, concerning highly sensitive sites. The supervisor shall have demonstrated expertise in erosion control per the

above section. The site shall be reviewed as if construction is occurring in the wet season, at least weekly, and within 24 hours of significant storms. A written record of these reviews shall be kept on-site with copies submitted to DDES within 48 hours. A sign shall be posted at all primary entrances to the site, which clearly identifies the TESC supervisor and their phone number.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) and the following requirements:
 - a. The streets within the subject plat shall be designed and improved to the urban standard, and consistent with the classifications shown on the plat map, except for the following:

LUSD shall review SE 40th Ct. and SE 42nd Ct. (north parcel) through the engineering review process, and may require these streets be upgraded to sub-access streets, depending upon the number of lots or volume of traffic expected to use these two roadways in the future.
 - b. The frontage of the property on Duthie Hill Rd. shall be improved to the rural Principal Arterial standard. This shall include 11-foot driving lanes and 8-foot paved shoulders.
 - c. The Applicant shall demonstrate adequate Entering Sight Distance (ESD) for the proposed intersections with Duthie Hill Road, based on a design speed of 50 mph. Non compliance with ESD standards will necessitate reconstruction of Duthie Hill Road.
 - d. Eastbound and westbound left turn lanes shall be constructed on Duthie Hill Rd. at 277th Ave. SE. The left turn lane channelization and illumination design shall be reviewed and approved by King County Traffic Engineering, prior to engineering plan approval.
 - e. Tracts A (north parcel) and X (south parcel) shall be improved as joint-use driveways. Tract A shall be jointly owned by Lots 192 and 193, and they shall be responsible for its maintenance. Tract X shall be jointly owned by Lots 143 and 144, and they shall be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans.
 - f. All lots in the subject plat shall have at least 20 feet of frontage on the road right-of-way or access tract serving the lot. Lots 46, 47, 54, 133, and 134 shall be revised accordingly.
 - g. A temporary turnaround shall be constructed at the eastern terminus of SE 40th Ct. (north parcel).
 - h. The proposed island medians on 274th Ave. SE and 277th Ave. SE at Duthie Hill Rd. may be required to be modified, at the discretion of LUSD, to allow for adequate access to adjoining lots, and to allow for proper intersection design.
 - i. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
10. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. The following condition shall apply in the event that preliminary plat approval has not occurred on or before February 29, 2000:

A reconnaissance/field survey shall be completed of the proposed developed area on the south parcel (Sector 1), as well as all lands lying on and off-site within 650 feet of this developed area (excluding areas north of Duthie Hill Road), to ascertain whether there is a red-tailed hawk nest in the surveyed area. This reconnaissance shall occur sometime during the months of March through May, and shall be conducted by a qualified wildlife biologist. For the purpose of completing the reconnaissance, access to off-site properties is not required in those instances where the Applicant is denied such access by an off-site property owner. (Where access is denied, documentation shall be provided to the County to show that a good faith effort has been made to obtain such access.)

If a nest is found to be present on the site or within 625 feet of the site, the following restrictions shall appear on the final plat and engineering plans:

- a. An area determined by a qualified DDES wildlife biologist, not to exceed a radius of 300 feet from the nest and within the subject property, shall be placed in a separate tract with a native growth protection easement. This easement shall remain in effect until such time that it is documented by the property owner, to the satisfaction of DDES, that the nest is no longer active and that the easement provides no substantial continuing benefit to the red-tailed hawk population in the area. Upon elimination of the easement, the affected area may be subdivided for residential use consistent with the R-1 zone classification as in effect on September 14, 1998.
- b. Construction activities on any area lying within 625 feet of the nest and within the subject property shall be prohibited from February 1 to July 31. For a specific development permit, this seasonal limitation may be waived by King County if it can be shown to the satisfaction of the County that the affected nest is not being used by hawks, or that the proposed activity would have no adverse

effect on nest use. Any waiver will last for one nesting season, and thus must be renewed for subsequent nesting seasons.

The above-noted 300-foot and 625-foot dimensions may be modified, prior to their placement on the final engineering plans and final plat, if it can be shown to the satisfaction of King County that a lesser distance will adequately protect the use of the nest by hawks, when considering such things as topography and vegetative cover. In the event the Applicant and DDES are unable to agree upon the native growth protection easement and buffer areas required by sub-paragraphs “a” and “b” above, either party may present this issue to the King County Hearing Examiner for determination of the appropriate dimensions to adequately protect use of the nest by red-tailed hawks, giving consideration to the impact upon the Applicant’s reasonable use of the subject property.

12. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 13338 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. Twenty feet of additional right-of-way for Duthie Hill Rd. shall be dedicated along the subject property’s frontage, to provide for 50 feet of right-of-way from the centerline.
14. Planter islands (if any) within turnaround bulbs or “eyebrows” shall be maintained by the abutting lot owners or the homeowners’ association. This shall be stated on the final plat and engineering plans.
15. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children’s play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by LUSD, with the submittal of the engineering plans. The conceptual recreation plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan noted in Item “a” above, shall be submitted for review and approval by LUSD and King County Parks, prior to or concurrently with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements to assure their installation, and the survival of required plantings for a three year period, shall be posted prior to recording of the plat.

- d. Two proposed pedestrian trails are shown on the south parcel, connecting to off-site property owned by the Seattle School District. The Applicant shall submit correspondence from the District indicating the District has no objection to pedestrian access being provided to their property at this location. If such permission cannot be obtained, these trails shall not be constructed. The easterly trail of the above-noted trails is proposed across Tract AD, a stormwater facilities tract. Since Tract AD will be dedicated to King County under the requirements of the Surface Water Design Manual, an easement shall be shown on the final plat and engineering plans to permit the use of this trail by the residents of the subject plat, if this trail is constructed.
16. Street trees shall be provided adjacent to or within the area of the property to be developed as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along Duthie Hill Rd. and along all streets within the subject plat. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
 - c. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization, unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.

- g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 17. The following note shall be shown on the final engineering plans and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

- 18. The proposed subdivision shall comply with the sensitive areas requirements as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be

addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.

19. Preliminary plat review has identified the following issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the Applicant.

- a. Determine the top, toe, and sides of 40% slopes and landslide hazard areas by field survey. Provide buffers from these areas as depicted on the July 28, 1999 plat map, except adjoining Lots 178 – 180. A 25-foot-wide buffer shall be provided upslope of the steep slope hazard area adjoining Lots 178 – 180, per KCC 21A.24.310A. The steep slope hazard areas, landslide hazard areas, and steep slope/landslide hazard buffers shall be placed in a sensitive areas tract, except as provided below. An LUSD senior geologist shall review and approve the delineation of the sensitive area tract on the final plat map and engineering plans.

With regard to the steep slope hazard areas located on Lots 194 – 198 and 276th Ave. SE, these areas may be regraded to less than 40%, as proposed by the Applicant.

- b. On the north parcel, provide a 50-foot buffer from Wetland 33- and 25-foot buffer from Wetland 33A. On the south parcel, provide a 50-foot buffer from Wetland 37 and a 25-foot buffer from Wetland 36.
- c. In lieu of the buffers noted above, wetland buffer averaging may be utilized, subject to compliance with KCC 21A.24.320B and the approval of the Land Use Services Division (LUSD).
- d. The proposed filling of Wetland 35 is permitted, subject to compliance with KCC 21A.24.330K, the submittal of a wetland mitigation plan, and the approval of the plan by LUSD. LUSD may require the submittal of a bond to assure the installation of required wetland improvements and the survival of required plantings for a five year period.
- e. The proposed filling of Wetland 36 and its buffer for road crossings is permitted, subject to compliance with KCC 21A.24.330N, the submittal of a wetland mitigation plan, and the approval of the plan by LUSD. LUSD may require the submittal of a bond to assure the installation of required wetland improvements and the survival of required plantings for a five year period.
- f. A 25-foot buffer shall be provided from the Class 3 stream in Tracts AC and Y (south parcel). The proposed road crossing of this stream is permitted, subject to compliance with KCC 21A.24.370G and restoration of any disturbed areas.
- g. All wetlands and streams on the site and their required buffers, except Wetland 35, shall be placed in a sensitive areas tract.
- h. The sensitive area/wildlife network tracts on the July 28, 1999 preliminary plat

map shall be shown on the final plat.

- i. A 15-foot building setback shall be provided from all sensitive area tracts, and shall be shown on the final plat and engineering plans.
 - k. The Applicant shall delineate all erosion hazard areas on the site on the final engineering plans. (Erosion hazard areas are defined in KCC 21A.06.415.) The delineation of such areas shall be approved by an LUSD senior geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities. The seasonal restrictions shall be clearly shown on the engineering plans. (Also see Condition 7i above.)
20. A letter shall be provided from the Applicant's geo-technical engineer with the engineering plan submittal, which indicates that the engineering plans have been reviewed by the geo-technical engineer, and certifies that the engineering plans conform with both the October 24, 1997 and June 5, 1998 reports from the Geo Engineers consulting firm. The geo-technical engineer shall also certify all special studies recommended in the two reports from Geo Engineers have been completed, including studies addressing fill work to be done on the lots adjoining the landslide/steep slope hazard areas. All such special studies shall be submitted with the engineering plans.
- A special study shall be completed by the Applicant's geo-technical engineer for the proposed utility crossing of the steep slopes between Lots 178 and 179, to assure slope stability concerns are adequately addressed. The design for this crossing shall be reviewed and approved by an LUSD senior geologist.
- A slope stabilization and re-vegetation plan for the construction of all utility lines on all steep slope and landslide hazard areas, on both the north and south parcels, shall be submitted for the review and approval of an LUSD senior geologist. The plan shall incorporate recommendations from the Applicant's geo-technical engineer and landscape architect/arborist.
21. (This condition is intentionally deleted.)
22. The west boundary of the wildlife network tract, adjoining proposed lots and utility tracts, shall be fenced to delineate the boundary of this area. The fence may be a 4-foot-high, wood, split-rail fence, or other fence approved by the King County Department of Natural Resources (KCDNR). Signage identifying the boundary of the wildlife network shall also be provided, consistent with KCC 21A.14.270C. The location of signage shall be approved by KCDNR.
- A management plan for the wildlife network on the site shall be prepared, consistent with KCC 21A.14.270D. The plan shall be reviewed and approved by KCDNR, and the plan shall be recorded with the CCR's for the plat.
23. Per P-Suffix Condition ES-P15, a covenant shall be recorded with the subject plat which precludes the extension of sewer service through the Aldarra property to any property north, south or east of the sewer service termination line (SSTL) established by ES-P15.

24. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and open space areas.

25. Trossachs Blvd./Duthie Hill Road.

- As agreed to by the Applicant, the Applicant shall construct a westbound left turn lane on Duthie Hill Road for the new south leg of the Trossachs Blvd./Duthie Hill Road intersection.
- As agreed to by the Applicant, the Applicant shall individually or proportionally share with the plat of Trossachs 8 and 9 the full cost of construction of a traffic signal at the intersection of Duthie Hill Road/Trossachs Blvd. The signal shall be designed and approved by King County Traffic Engineering prior to engineering plan approval. The installation of the signal shall not occur until pipeline volumes and/or Trossachs 8 and 9/Aldarra volumes meet signal warrants. Funding assurances must be made prior to final plat recording. In the alternative, the Applicant shall pay a proportionate share with the plat of Trossachs 8 and 9 to provide full funding of a King County CIP project to install the traffic signal when warranted.

26. Duthie Hill Road/Issaquah Beaver Lake Road.

As agreed to by the Applicant, the Applicant shall individually or proportionally share with the plats of Beaver Lake Estates II and Trossachs 8 and 9 the full cost of design and construction of an eastbound left turn lane and eastbound left turn merge lane on Duthie Hill Road for left turns into and out of Issaquah-Beaver Lake Road.

27. Issaquah Fall City/East Lake Sammamish Parkway.

As agreed to by the Applicant, the Applicant will pay a fair share contribution for the south plateau road ("SPAR") improvements described as CIP projects 101289 and 200496, commonly known as the north and south SPAR road projects, in the amount of \$785 per lot, at the time of final plat approval, unless King County determines that the said amount is inadequate mitigation pursuant to Chapter 14.80 KCC. In that event, King County may propose in writing the payment of an alternative sum, supported by the data and rationale relied upon by the County, and submit the dispute to the King County Hearing Examiner for resolution. Unless requested by the Applicant, determination of the amount to be paid shall not operate to delay final plat approval if the Applicant submits to King County an undertaking or bond to pay the amount determined by the Hearing Examiner (subject to appeal to the King County Council and the courts of the State of Washington), in an amount equal to the payment requested by DDES.

28. WSDOT Intersections.

As agreed by the Applicant, there shall be paid to WSDOT \$769 per lot, as the Applicant's fair share payment to the WSDOT projects for SR202 and the Sunset Interchange. No further mitigation is required to WSDOT-controlled roadway facilities.

- 28A. As agreed by the Applicant, there shall be paid to the City of Issaquah at the time of final plat approval, \$141 per lot, as the Applicant's fair share payment for improvements to city streets.
29. Duthie Hill Road Safety Improvements.
- (Reserved)
30. Patterson Creek Water Quality/Fish.

The following mitigating measures shall be applied to the proposal to reduce the likelihood of significant adverse environmental impacts to Patterson Creek fishery resources:

A. To reduce the "effective" impervious surface created by the proposal:

1. All lawn areas and landscaped areas shall be amended with 4 inches of well-rotted compost. The compost shall be tilled into the native soil to a depth of 6 to 8 inches. Compost shall either comply with guidelines for compost quality on page 6-44 of the King County Surface Water Design Manual, September 1998, or Ecology guidelines for Grade A compost quality (publication 94-38).

In areas where tilling is not feasible, a 6-inch layer of hog fuel or shredded wood (not to be confused with beauty bark) shall be applied on top of the ground surface. Where slopes are steep (2:1 or greater) biodegradable erosion control blankets shall be used to secure the mulch layer. Where slopes are less than 2:1 and erosion control concerns are minimal (concentrated flows are not likely to be received) the mulch layer, at a minimum, must be secured with jute matting with ¼ inch mesh.

Special construction inspection shall be required prior to installation of final landscaping on any lot. A performance bond shall be posted prior to issuance of a building permit to ensure compliance with this condition. A note to this effect shall be placed on the final plat.

2. Infiltration trenches shall be used to infiltrate roof runoff for approximately 35 to 40 lots where grading in Sector 1 will expose sand and gravel outwash. The lots where infiltration trenches are required shall be determined by DDES. Roof drains shall be connected to infiltration trenches filled with washed gravel and equipped with a piped overflow connected to the storm sewer overflow. The infiltration trenches shall be sized to the minimum length requirement specified for an infiltration facility in section C.2.3.2. of the Surface Water Design Manual, or to infiltrate the mean annual storm, at the Applicant's option.

Final engineering details for the trenches shall be approved by DDES during engineering review. If outwash soils do not underlie a lot in Sector

1 after grading, or if infiltration will result in slope instability, no infiltration will be provided.

3. Where infiltration or dispersion options are not feasible, roof downspouts shall be connected to the street drainage system using perforated stub-out connections.

B. To reduce the concentration of metals leaving the site:

1. A pamphlet for home-owners shall be prepared and distributed to home purchasers. The pamphlet shall cover the following:
 - The fishery value of Patterson Creek
 - The endangered status of Puget Sound salmon
 - Alternatives to roof maintenance with toxic chemicals
 - Environmentally friendly lawn care practices including the placement of mulching materials to increase permeability and alternatives to pesticides
 - Explanation of the impact-reducing features of the plat, including maintenance procedures for rain gardens, if used on single family lots.
 - Telephone numbers, internet sources of additional information
 - The County shall review, comment on and approve the pamphlet before it is finalized.
2. No unsealed external copper ornamentation shall be used as design features for homes in the plat. Use of unsealed copper or galvanized flashing, rain gutters, or downspouts shall not be allowed for home construction. A note to this effect shall be placed on the final plat.
3. Galvanized pipes or materials shall not be used in the drainage system when substitutes are available.
4. As required by the grading permit for the Aldarra Farm Golf Course, the outlet swale for combined wetpond/detention pond DF R1, will convert portions of the swale to a "wet" swale that will be planted with wetland vegetation, reviewed and approved by the Land use Services Division of DDES.
5. If water can be retained for at least 8 months of the year and water level fluctuations for the 2-year storm are less than 3 feet, the combined wetpond/detention pond CC-2-1 must be designed to be a stormwater wetland.

C. To minimize temperature increases from the site:

1. As required by the grading permit for the Aldarra Farm Golf Course, the outlet swale for combined wetpond/detention pond DF R1, will provide

shading of the swale. Native shrubs or small trees are preferred. The planting plan shall be reviewed and approved by LUSD prior to final plat approval.

2. As required by the grading permit for the Aldarra Farm Golf Course, the outlet of the facility DF R1 in the Aldarra Golf Course shall be designed to withdraw water from below the normal water surface (a back-sloped outlet pipe or T-section with invert at least 12 inches or more below the normal water could achieve this objective).
3. As required by the grading permit for the Aldarra Farm Golf Course, if determined feasible by DDES, the well inlet and irrigation withdrawal points for facility DF R1 in the Aldarra Golf Course shall be configured so that the primary well input is to the second cell and the irrigation withdrawal is from the first cell.

D. To increase dissolved oxygen levels in the discharge:

1. The outlet of stormwater facility CC-2-1 shall be designed to maximize aeration of the discharged water.
2. As required by the grading permit for the Aldarra Farm Golf Course, the water well inlet of the facility DF R1 shall be designed to entrain air into the well water by spraying it through the air as it is introduced into the facility.
3. Pond R1 shall be aerated by fountain or by subsurface bubbler, in addition to the air entrainment specified for groundwater inputs in the above condition.
4. Inlet flows to the swale conveying water from pond R1 to wetland PC-10, the outflow from the aerating waterfall, and the discharge from wetland PC-10 to Patterson Creek, shall be monitored for one summer storm event of sufficient intensity to result in a measurable discharge from wetland PC-10 into Patterson Creek. If measurable dissolved oxygen at the discharge into Patterson Creek is less than the standard established by DDES, then additional aeration to pond R1 and/or at other points in the flow, shall be provided.
5. Monitoring of dissolved oxygen levels in the pond shall take place once during the months of July through September. Measurements shall be from 1 foot below the pond surface to a depth of 1 foot below the outlet pipe. Inlet and outlet flows to the swale conveying water from pond R1 to wetland PC-10 shall be monitored at the same time. The results of the monitoring required by this sub-paragraph shall be used to determine the appropriate dissolved oxygen goal for the R1 pond.

ORDERED this 14th day of October, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 14th day of October, 1999, to the following parties and interested persons:

Aspenwall
13802 - 176th Place NE
Redmond WA 98052

Boeing Oregon Masabi Trust
1325 - 4th Avenue #1940
Seattle WA 98101

William E Boeing Jr
1325 Fourth Avenue #1940
Seattle WA 98101

John Caldwell
3211 South 374th Street
Auburn WA 98001

Lee Dean/MB Carrie
1720 SE Redmond-Fall City Rd.
Fall City WA 98024

Barbara Ciapala
27307 SE Duthie Hill Rd.
Issaquah WA 98027

Commodore Hotel
Matt E., Jr.
2013 2nd Avenue
Seattle WA 98121
Robert G. Crittenden
1411 Redmond-Fall City Rd
Fall City WA 98024

Catherine Conolly
5309 Shilshole Avenue NW
Seattle WA 98107

Don W. Coombs
1325 - 4th Avenue #1940
Seattle WA 98101

John L. Scott Land Department
3380 - 146th Place SE, #450
Bellevue WA 98007-6472

Roger Dorstad
Evergreen East Realty
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City of Issaquah
PO Box 1307
Issaquah WA 98027-1307

David Irons
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Issaquah WA 98027

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Issaquah WA 98029

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Issaquah WA 98029

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Kirkland WA 98033

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Lozier Homes Corp
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Bellevue WA 98004

David & Deborah Luchtel
1300 - 290th Avenue SE
Fall City WA 98024

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Raedeke & Associates
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Jack Lynch
Jack Lynch & Associates
1001 NE Boat Street
Seattle WA 98105

Jim MacIsaac
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Bellevue WA 98005

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Seattle WA 98101

Linda Matlock, WSDE/WQSW Unit
PO Box 47696
Olympia WA 98504-7696

Eleanor Moon
King County Executive Horse Council
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Ken Moscaret
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Issaquah WA 98029

Ed & Joanne Nelson
29510 SE Issaquah-Fall Cty Rd
Fall City WA 98024

Claudia Newman
Bricklin & Gendler
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Seattle WA 98101

Port Blakely Tree Farms
1325 - 4th Avenue, 10th Floor
Seattle WA 98101-2524

William Rademaker, Jr.
Aldarra Management Company
1325 Fourth Avenue South #1940
Seattle WA 98101-2510

Jay Regenstreif
Sammamish Plateau Water & Sewer
1510 - 228th Avenue SE
Issaquah WA 98027

Seyed Safavian
Klahanie Association
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Issaquah WA 98027

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DDES/LUSD
Site Development Services
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Craig Comfort
DDES/LUSD
MS OAK-DE-0100

Lanny Henoch
DDES/LUSD
MS OAK-DE-0100

Aileen McManus
DDES/LUSD
Traffic/CPLN
MS OAK-DE-0100

Steven C. Townsend
DDES/LUSD
MS OAK-DE-0100

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Bellevue WA 98007

Robert Seana
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Carnation WA 98014

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Bellevue WA 98009

WSDOT
PO Box 330310 (PCL 1-15759)
Seattle WA 98133

Tom Beavers
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Resource Lands & Open Space
MS CEN-NR 0350

Laura Casey
DDES/LUSD
MS OAK-DE-0100

Dick Etherington
King County Dept Transportation
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MS 65

Louise Kulzer
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Water & Land Resources Division
MS 22G King County

Greg Poels
DDES
MS OAK-DE-0100

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East District Environmental Health
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Bellevue WA 98007

Ken Valdez
1005 - 167th Place NE
Bellevue WA 98008

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Snoqualmie WA 98065-0400

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MS OAK-DE-0100

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Barbara Heavey
DDES/LUSD
MS OAK-DE-0100

Kristen Langley
KC Transportation Department
Traffic and Planning Section
MS KSC-TR-0222

Kate Stenberg
Water & Land Resources Division
Resource Lands & Open Space
MS CEN NR 0350 King County

MINUTES OF THE AUGUST 30, SEPTEMBER 17, SEPTEMBER 23, AND SEPTEMBER 24, 1999 PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. S90S0082 – ALDARRA:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Joel Haggard, Lanny Henoch, Barbara Heavey, Edwin Nelson, William Rademaker Jr., Tom Uren, Andrew Kindig, James McIssac,

Aileen McManus, Craig Comfort, Kathy Connelly, Rick Lundquist, Laura Casey, Kate Stenberg, and Tom Beavers.

The following exhibits were offered and entered August 30, 1999:

- Exhibit No. 1 LUSD File No. S90P0082
- Exhibit No. 2 LUSD staff report
- Exhibit No. 3 SEPA environmental checklist signed by Applicant's representative on October 29, 1997, with attachments including a October 24, 1997, *Geotechnical Report* by Geo Engineers, Inc., October 24, 1997, *Wetland and Wildlife Mitigation Assessment* by Raedeke and Associates, Inc., October 24, 1997, *Water Quality Assessment* by Associated Earth Sciences, Inc., October 1997, *Fisheries Impact/Mitigation Report* by Watershed Dynamics, and September 22, 1997, *Traffic Impact Assessment* by James W. MacIsaac, PE
- Exhibit No. 4 Withdrawal of Determination of Significance and Issuance of Mitigated Determination of Nonsignificance, published June 18, 1999
- Exhibit No. 5 Affidavit of Posting for the public hearing notice, received on August 18, 1999, giving notice of the August 30, 1999, public hearing
- Exhibit No. 6 Revised plat map containing 10 sheets, received July 28, 1999
- Exhibit No. 7 Land use map which shows the approximate boundary for the proposed plat
- Exhibit No. 8 King County Assessor maps for 1-24-6, the NE and SE 1/4 of 12-24-6, 5-24-7, 6-24-7, 7-24-7, the SE 1/4 7-24-7, and 8-24-7
- Exhibit No. 9 August 11, 1998, letter from Richard W. Lundquist, Wildlife Biologist, Raedeke Associates, Inc., to William Rademaker, Jr., concerning wildlife
- Exhibit No. 10 File folder (L99AP307) containing a July 14, 1999, letter of appeal of the SEPA determination, filed by Wayne D. Tanaka on behalf of the City of Issaquah
- Exhibit No. 11 File folder (L99AP308) containing a July 13, 1999, letter of appeal of the SEPA determination, filed by David S. Mann, Bricklin and Gendler, on behalf of Plateau Preservationists
- Exhibit No. 12 File folder (L99AP309) containing a July 14, 1999, letter of appeal of the SEPA determination, filed by Joel Haggard on behalf of the Applicant
- Exhibit No. 13 August 20, 1999, faxed copy of a letter from David S. Mann, Bricklin and Gendler, to the Hearing Examiner, James N. O'Connor, withdrawing the SEPA appeal by Plateau Preservationists
- Exhibit No. 14 September 14, 1999, faxed copy of a letter from Joel Haggard to Mark Carey, Manager, LUSD
- Exhibit No. 15 *Supplemental Report No. 1 Geotechnical and Engineering Services Section 1 Utilities and Grading...*, prepared by Geo Engineers, dated June 5, 1998
- Exhibit No. 16 *Preliminary Hydrologic Analysis Project Description Environmental Assessment and Level One Downstream Analysis*, prepared by Hugh G. Goldsmith & Assoc., Inc., revised June 1998
- Exhibit No. 17 Road Variance L97V0138
- Exhibit No. 18 SWM Variance L97V0136
- Exhibit No. 19 SWM Variance L98V0008
- Exhibit No. 20 SWM Variance L98V0100
- Exhibit No. 21 SWM Variance L98V0112
- Exhibit No. 22 Memorandum from the Department of Parks and Recreation concerning the Applicant's proposed onsite recreation space in the subject plat
- Exhibit No. 23 March 31, 1999, letter from Robert Seana
- Exhibit No. 24 January 14, 1998, letter from Barbara Ciapala with photos
- Exhibit No. 25 SEPA file
- Exhibit No. 26 Affidavit of William Rademaker, Jr.
- Exhibit No. 27 Letter dated August 26, 1999, from Joel Haggard, attorney for Applicant, to James O'Connor, Hearing Examiner, suggesting revisions to plat conditions
- Exhibit No. 28 Testimony outline for Tom Uren, Hugh Goldsmith & Associates

- Exhibit No. 29 Revised plat map received August 27, 1999
- Exhibit No. 30 Overall preliminary plat drawing (colorized)
- Exhibit No. 31 Hearing testimony outline for Dr. Andrew Kindig
- Exhibit No. 32 Estimated Cost of Pro-Rata Traffic Mitigation Payments; Estimated Cost of Offsite Traffic Improvements
- Exhibit No. 33 Map showing existing configuration of Duthie Hill Road - overall
- Exhibit No. 34 Duthie Hill Road Shoulder Widening Evaluation
- Exhibit No. 35 Duthie Hill Road - 8-Foot Shoulder Widening Planning Level Cost Estimate
- Exhibit No. 36 Letter dated December 7, 1998, from Joel Haggard to Rich Hudson (DDES) with the following attachments:
- Letter dated December 7, 1998, from Andrew C. Kindig, PhD (Associated Earth Sciences)
 - Letter dated December 2, 1998, from Tom Uren (Hugh Goldsmith & Associates) to Joel Haggard
 - Letter dated November 19, 1998, from Joel Haggard to Rich Hudson (DDES)
- Exhibit No. 37 Letter dated August 16, 1999, from Joel Haggard to James O'Connor identifying Applicant's witnesses and forwarding resumes for the following expert witnesses for the Applicant: Bill Rademaker, Ralph Gregory, James Hess, Bud Abbott, Tom Uren, Andrew Kindig, Ken Raedeke, Richard Lundquist, Catherine Conolly, and James MacIsaac.
- Exhibit No. 38 James MacIsaac written testimony for Aldarra hearing
- Exhibit No. 39 MacIsaac exhibits .1-.10
- .1 Review of Aldarra Traffic Fees/SFR
 - .2 KC MPS zone map indicating fees for Zones 406 and 409
 - .3 KC MPS zone map showing location of Beaver Lake, Trossachs, and Aldarra developments and SPAR fees requested by KC
 - .4 Figure 6 from Trossachs 8 & 9 TIA (L97P0035)
 - .5 MPS Zone 406 traffic distribution provided by King County in 1997
 - .6 Trossachs 8 &9 traffic distribution; impact on SPAR corridor
 - .7 Aldarra traffic distribution; impact on SPAR corridor
 - .8 Calculation of Recommended Aldarra SPAR Fees
 - .9 Aldarra road inventory
 - .10 Excerpt from County's 1999 Transportation Needs Report - 20-year Outlook
- Exhibit No. 40 Letter dated October 26, 1998, from Joel Haggard to Lanny Henocho regarding Trossachs Blvd/Duthie Hill Road intersection signal
- Exhibit No. 41 Letter dated October 23, 1998, from Joel Haggard to Lanny Henocho enclosing James MacIsaac review of SR 202/292nd Avenue NE and Duthie Hill Road/Issaquah-Beaver Lake Road intersections (dated October 23, 1998)
- Exhibit No. 42 Letter dated June 10, 1999, from Joel Haggard to Lanny Henocho and Barbara Heavey regarding pro-rata share payment for SPAR North
- Exhibit No. 43 Letter dated April 9, 1999, from WSDOT to William Rademaker with attached Voluntary Settlement Agreement to Mitigate Impacts to State Facilities
- Exhibit No. 44 Settlement Agreement dated August 13, 1999, between City of Issaquah and Aldarra Management Company
- Exhibit No. 45 Excerpt from Beaver Lake Estates (L97P0036) staff report (pp 30-31), and June 21, 1999, Hearing Examiner's Decision on Trossachs 8 & 9 (L97P0035)(pp 17-18)
- Exhibit No. 46 Map showing parks and schools within five miles of Aldarra
- Exhibit No. 47 King County Department of Transportation, Road Services Division, Traffic Engineering Section memorandum dated August 4, 1999, from Aileen McManus to Joel Haggard

The following exhibits were offered and entered September 17, 1999:

- Exhibit No. 48 Letter dated August 20, 1999, from David S. Mann, attorney for Plateau Preservationists, to

- Hearing Examiner confirming settlement agreement and withdrawing SEPA appeal (same as Exhibit No. 13)
- Exhibit No. 49 Written Red Tailed Hawk Testimony and supporting documentation submitted by Catherine Conolly
- Exhibit No. 50 Proposed modifications to Staff Report Conditions dated August 30, 1999, submitted by Applicant's engineer
- Exhibit No. 51 Hearing Testimony Outline submitted by Richard W. Lundquist (Raedeke Associates, Inc.)
- Exhibit No. 52 Letter dated August 26, 1999, from Joel Haggard, attorney for Applicant, to Hearing Examiner with proposed revisions to preliminary map (same as Exhibit No. 27)
- Exhibit No. 53 E-mail exchange between Tom Beavers, Barbara Heavey, Lanny Henoch and Laura Casey regarding red tailed hawk sighting
- Exhibit No. 54 Examiner decision dated September 3, 1999, on Beaver Lake Estates, Division II, DDES File No. L97P0036
- Exhibit No. 55 Sheet 3 preliminary plat overall site plan/legal description (referred to as "cover sheet" at hearing)
- Exhibit No. 56 Photocopy of Tall Chief Resort brochure
- Exhibit No. 57 Hawk nest influence (if any) map submitted by Applicant

The following exhibits were offered and entered September 23, 1999:

- Exhibit No. 58 The Aldarra Study
- Exhibit No. 59 Fourteen photographs of Duthie Hill Road submitted by Craig Comfort
.A Map marked to show where photographs taken
- Exhibit No. 60 KC Road Services Division 1999 Adopted CIP – Version A
- Exhibit No. 61 Withdrawal of Determination of Significance and Issuance of Determination of Nonsignificance for Aldarra Farm Golf Court issued August 13, 1996
- Exhibit No. 62 Letter dated November 5, 1998, from Rich Hudson, Acting Responsible Official, to Joel Haggard re Early Notice of Likely Determination of Significance
- Exhibit No. 63 Six pages of notes taken by Barbara Heavey, commencing with August 19, 1998, meeting from SEPA file
- Exhibit No. 64 Letter dated November 19, 1998, from Joel Haggard to Rich Hudson in response to Hudson letter indicating likely DS
- Exhibit No. 65 Revised conditions submitted by staff
- Exhibit No. 66 Written rebuttal in support of Applicant's modified Condition 30.D prepared by Dr. Kindig
- Exhibit No. 67 Sketch drawn by Dr. Kindig to illustrate his rebuttal testimony
- Exhibit No. 68 Map of Duthie Hill Road corridor between SR 202 and Issaquah/Fall City Road noting shoulder widths and other data
- Exhibit No. 69 Rebuttal testimony by William Rademaker, Jr.

JNOC:daz/vam
SEPA\S90\S90P0082 RPT